

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Theresa Marie Bouchillon,)	
)	
Plaintiff,)	
)	Civil Action No. 9:12-2444-RMG
vs.)	
)	
Carolyn W. Colvin, Acting)	
Commissioner of Social Security)	ORDER
Administration,)	
)	
Defendant.)	
)	
)	
)	

Plaintiff has brought this action pursuant to 42 U.S.C. § 405(g) seeking judicial review of the final decision of the Commissioner of Social Security denying her claim for disability benefits. In accord with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 DSC, this matter was referred to a United States Magistrate Judge for pre-trial handling. The Magistrate Judge issued a Report and Recommendation on October 8, 2013 recommending that the decision of the Commissioner be reversed and remanded to the agency to address new and material evidence submitted for the first time to the Appeals Council subsequent to the decision of the Administrative Law Judge. (Dkt. No. 15).

The Magistrate Judge ably described the newly produced medical records, which directly addressed the contested issue of Plaintiff's mental impairments and included opinions and findings in conflict with existing opinions in the medical record upon which the Administrative Law Judge had relied. (Dkt. No. 15 at 5-7). The Magistrate Judge, relying on the Fourth Circuit's seminal decision in *Meyer v. Astrue*, 662 F.3d 700, 707(4th Cir. 2011), found that the

circumstances here required reversal and remand so that the fact finder could weigh the entire record and reconcile the conflicting and supporting evidence in the record. (*Id.* at 8-10). The Commissioner filed a response indicating that she would not file objections to the Report and Recommendation. (Dkt. No. 19).

Having reviewed the Report and Recommendation, the Administrative Law Judge's decision and the administrative record in this matter, the Court finds that the Magistrate Judge has ably and accurately addressed the factual and legal issues in this matter and correctly concluded that reversal and remand is mandated under *Meyer*. Therefore, the Court hereby ADOPTS the Report and Recommendation of the Magistrate Judge as the order of this Court, REVERSES the decision of the Commissioner and REMANDS the matter to the agency pursuant to Sentence Four of 42 U.S.C. § 405(g).

AND IT IS ORDERED.

A handwritten signature in black ink, appearing to read 'R. Mark Gergel', is written over a horizontal line.

Richard Mark Gergel
United States District Judge

October 25, 2013
Charleston, South Carolina